

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CRAIGVILLE TELEPHONE CO. d/b/a)	
ADAMSWELLS; and CONSOLIDATED)	
TELEPHONE COMPANY d/b/a CTC)	
)	
Plaintiffs,)	No. 1:19-cv-07190
)	
vs.)	Judge Sharon Johnson Coleman
)	Magistrate Judge Jeffrey T. Gilbert
T-MOBILE USA, INC.; and)	
INTELIQUENT, INC.)	
)	
Defendants.)	

**PLAINTIFFS’ RENEWED MOTION TO COMPEL
PRODUCTION OF CERTAIN DOCUMENTS FROM T-MOBILE USA, INC.**

Craigville Telephone Co. d/b/a AdamsWells and Consolidated Telephone Company d/b/a CTC, on behalf of themselves and a class of similarly-situated companies (collectively, “Plaintiffs”), respectfully renew their December 30, 2021 Motion to Overrule T-Mobile’s Objections and Compel Production of Documents (“Motion to Compel”) (ECF 199 – 201) as to a limited number of requests that Plaintiffs narrowed for T-Mobile USA, Inc. (“TMUS”) in an extensive meet and confer process that followed the guidance of the Court’s May 12, 2022 Order (“Discovery Order”) (ECF 257). Specifically, Plaintiffs request an order compelling TMUS to produce documents responsive to the narrowed versions of the following requests propounded by Plaintiffs’ First Requests for Production (“RFPs”):

- (1) Plaintiffs’ Narrowed RFPs 53-58;
- (2) Plaintiffs’ Narrowed RFP 10;
- (3) Plaintiffs’ Narrowed RFPs 36-37;
- (4) Plaintiffs’ Narrowed RFPs 24-25.

I. LOCAL RULE 37.2 CERTIFICATION AND ASSOCIATED HISTORY

This Motion complies with Local Rule 37.2. Following the Discovery Order, and in consideration of the Court's concerns that Plaintiffs may be "overcomplicating" discovery (ECF 253 78:24-79:5; 86:6-16), Plaintiffs heeded the Court's guidance and undertook an extensive re-evaluation of their discovery requests to the Defendants. Specifically with respect to TMUS, Plaintiffs meticulously reviewed documents produced by TMUS thus far, and prepared a chart summarizing the RFPs in dispute, the Court's rulings thereon, and proposing substantially narrowed RFPs to address many of the Court's overbreadth rulings for further meet and confer (the "Meet and Confer Chart"), filed herewith as Exhibit 1.¹ Plaintiffs also withdrew some Requests. (*See* Ex. 1.) Plaintiffs served the Meet and Confer Chart on Defendants on June 7, 2022, along with an accompanying cover letter requesting a meet and confer, filed herewith as Exhibit 1A.

The parties then held a first hour-long video meet and confer via WebEx on June 27, 2022, during which the parties discussed each of Plaintiffs' narrowing proposals. Thereafter, TMUS responded to the proposals on July 8 and 11, 2022 by entering its responses in the Meet and Confer Chart. (Ex. 1.) Plaintiffs then entered written responses to TMUS's July 8 and 11, 2022 counterpoints in the Meet and Confer Chart and sent it back to TMUS on July 19, 2022. (*Id.*) On July 22, 2022, TMUS provided another round of written responses to Plaintiffs' July 19, 2022 comments in the Meet and Confer Chart. (*Id.*) Thereafter, the parties had a second hour-long

¹ The Meet and Confer Chart is an Excel document that is too large to print to a PDF legibly for ECF filing. Therefore, Plaintiffs append to their motion a placeholder exhibit slip sheet for this exhibit and are submitting a thumb drive containing an electronic copy of the Meet and Confer Chart to the Court with Chambers copies, as well as serving an identical thumb drive on TMUS. It also contains numerous references to documents and materials that TMUS has marked Confidential. Therefore, the entire chart is included with the Motion to Seal filed herewith.

video call and discussed the outstanding disputed RFPs on July 26, 2022. On July 28, 2022, Plaintiffs wrote TMUS a confirming letter identifying the resolutions, agreements, or action plans reached on several unresolved RFPs, and separately identifying the RFPs where the parties remained at an impasse. (Ex. 2, 7/28/22 C. Hinger Letter.) On August 10, 2022, TMUS responded to Plaintiffs' letter, followed through on a number of the resolutions previously reached in the parties' July 26, 2022 meet and confer conference (including another production of documents), and confirmed the parties were at an impasse as to the same RFPs identified in Plaintiffs' July 28th letter, which are the subject of this renewed Motion. (Ex. 3, 8/10/22 O. Alladi Letter.) Plaintiffs specifically discussed renewing their Motion to Compel on these unresolved RFPs during the July 26, 2022 video meet and confer and, consistent with its August 10th letter acknowledged the impasses. TMUS expressed its intent to oppose the renewed Motion for the reasons discussed in the Meet and Confer Chart and during the video discussions. Plaintiffs thereafter reviewed the August 10, 2022 document production but it did not resolve the disputes the parties acknowledged were at impasse. Thus, a renewed motion with respect to the foregoing narrowed RFPs is ripe.

In Magistrate Judge Gilbert's September 15, 2021 Order (ECF No. 158), the Court expressed a preference for joint motions to resolve discovery disputes if possible, and noted that if a party wanted to use a different procedure for discovery motions it should inform the Court. Given the number of issues that remain in dispute and the lengthy meet and confer process Plaintiffs have undertaken, Plaintiffs believe a motion will be more efficient.

WHEREFORE, Plaintiffs respectfully request that the Court grant the relief sought by Plaintiffs' Renewed Motion to Overrule T-Mobile's Objections and Compel Production of Certain Documents, the grounds for which are set forth in the accompanying memorandum of law.

Submitted September 19, 2022

/s/ David T.B. Audley

David T.B. Audley (Bar No. 6190602)

Mia D. D'Andrea (Bar No. 6307966)

CHAPMAN AND CUTLER LLP

111 West Monroe Street

Chicago, IL 60603-4080

Tel. 312-845-2971

Email: audley@chapman.com

Email: dandrea@chapman.com

Cathy A. Hinger (*pro hac vice*)

G. David Carter (*pro hac vice*)

Victoria A. Bruno (*pro hac vice*)

Kathleen O. Gallagher (*pro hac vice*)

Jeremy L. Baker (*pro hac vice*)

WOMBLE BOND DICKINSON (US) LLP

2001 K Street, NW, Suite 400 South

Washington, DC 20006

Tel.: 202-857-4489

Fax: 202-261-0029

Email: cathy.hinger@wbd-us.com

Email: david.carter@wbd-us.com

Email: victoria.bruno@wbd-us.com

Email: katie.gallagher@wbd-us.com

Email: jeremy.baker@wbd-us.com

Kurt D. Weaver (*pro hac vice*)

WOMBLE BOND DICKINSON (US) LLP

555 Fayetteville Street, Suite 1100

Raleigh, NC 27601

Telephone: 919-755-8163

Email: kurt.weaver@wbd-us.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of September, 2022, I served the foregoing **Plaintiffs' Renewed Motion to Compel Production Of Certain Documents From T-Mobile USA, Inc.** via the ECF system on parties that have consented to the same in accordance with applicable Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of Illinois.

By: /s/ David T.B. Audley